

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

| Plaintiffs' Executive Committee for Personal Injury and Death Claims | Plaintiffs' Executive Committee for Commercial Claims |
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| Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP | Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR |
| Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC | J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR |

VIA ECF

August 27, 2021

The Hon. Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

We write on behalf of the Plaintiffs' Executive Committees to advise the Court, pursuant to the Court's order at ECF No. 7065 (Aug. 23, 2021), that defendant Wa'el Jelaidan has failed to contact the PECs as required by the Court. Pursuant to that Order, Plaintiffs respectfully request that the Court confirm that Wa'el Jelaidan has been deemed to be in default as of August 26, 2021.

The Court previously ordered Mr. Jelaidan to appear for his deposition no later than August 31, 2021 (ECF No. 6801), and Mr. Jelaidan's then-counsel advised that Mr. Jelaidan agreed to appear on August 26, 2021 (ECF Nos. 6832, 6833). With that agreement, on March 26, 2021, the PECs circulated a notice for Mr. Jelaidan's deposition to commence on August 26, 2021. After Mr. Jelaidan's counsel passed away, the Court directed Mr. Jelaidan to retain new counsel or advise that he was proceeding *pro se* (ECF No. 6867). However, Mr. Jelaidan has done neither, resulting in the Court recognizing that Mr. Jelaidan has opted to proceed *pro se*, but confirming that he remained obligated to appear on August 26, as noticed. (ECF No. 6968).

On August 23, 2021, responding to a request from the PECs, the Court ordered Mr. Jelaidan to contact the PECs via email by noon (EST) on August 24, 2021 to confirm that he would appear for his deposition on August 26, 2021, or to contact the PECs by August 26th to avoid being deemed in default. (ECF No. 7065). The Order provided that if Mr. Jelaidan "fails to contact the PECs [as directed in the order], the August 26 deposition will be adjourned." The

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Order also provided that “[i]f Jelaidan fails to contact the PECs by August 26, he shall be deemed in default and the PECs shall notify the Court as set forth in ECF No. 6801.”

Mr. Jelaidan has failed to comply with the Court’s Order in that he has not contacted the PECs either by the August 24th deadline or the August 26th deadline. Accordingly, as provided for in the Court’s Orders of May 10, 2021 (ECF No. 6801) and August 23, 2021 (ECF No. 7065), Plaintiffs respectfully request that the Court formally recognize that Mr. Jelaidan is deemed to be in default.¹

Respectfully submitted,

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cc: The Honorable George B. Daniels, via ECF
All Counsel of Record via ECF

¹ The Court’s order at ECF No. 6801 recognized that “Jelaidan has a long ‘history of . . . noncompliance with court orders,’” *id.* at 1, citing ECF No. 4138, warned Mr. Jelaidan that if he did not appear for his deposition as noticed that the Court would “treat this notice as a motion for sanctions,” and provided that the Plaintiffs’ motion at this time “will incorporate by reference all arguments Plaintiffs have already made.” In asking the Court to recognize that Mr. Jelaidan is deemed to be in default, Plaintiffs incorporate herein all the arguments previously made as to Mr. Jelaidan.